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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,411	08/13/2001	Ian Hendry	P2232C-773	7456

7590 01/15/2004

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EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,411

Applicant(s)

HENDRY ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the request for reconsideration filed on April 1, 2003 (Paper No. 9).
2. Claims 22-97 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 22, 43, 64, 85, 90 and 94 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10, 13, 16, 24, 25, 29 and 32 of U.S. Patent No. 6,282,646 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the system would operate in the same manner (reconfigure the system) whether or not the system receives an indication of an addition of an I/O device to frame buffer associated with the computer system.

Claim Rejections - 35 USC § 103

6. Claims 22-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monnes et al. [Monnes] (U.S. Patent No. 5,375,210).

7. Regarding claims 22 and 85-86, AAPA teaches a method for reconfiguring a computer system accommodate changes in a display environment comprising the steps of:

receiving an indication of an addition of a display device to a frame buffer associated with the computer system [col. 6, lines 3-31];

providing a notification to video BIOS of the addition of the display device to the frame buffer associated with the computer system [col. 6, lines 32-38]; and

associating the frame buffer associated with the computer system with the added display device [col. 6, lines 56-62].

Monnes does not explicitly teach the notification is provided to a display manager. One of ordinary skill in the art would have readily recognized that the video BIOS disclosed by Monnes would function as a display manager.

8. Regarding claims 23-35 and 87, these claims are directed to method steps for reconfiguring the system when a new display device is added of claims 22 and 85. As stated above, Monnes teaches the invention substantially as set forth in claims 22 and 85. At the time of the invention, one of ordinary skill in the art would have readily recognized that Monnes may obviously also teach the method steps of claims 22 and 85 as set forth in claims 23-35 and 87. As such, claims 23-35 and 87 are rejected under the same rationale with respect to claims 22 and 85.

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9. Regarding claims, 36-42 and 88-89, these claims are directed to method steps for reconfiguring the system when a display device is removed. As stated above, Monnes teaches the method steps for reconfiguring the system when a new display device is added as set forth in claims 22-35 and 85-87. At the time of the invention, one of ordinary skill in the art would have readily recognized that Monnes may obviously also teach the method steps for reconfiguring the system when a display device is removed. As such, claims 36-42 and 88-89 are rejected under the same rationale with respect to claims 22-35 and 85-87.

10. Regarding claims 43-63 and 90-93, Monnes teaches the claimed method steps. Therefore, Monnes teaches the apparatus to implement the claimed method steps.

11. Regarding claims 64-84 and 94-97, Monnes teaches the claimed method steps. Therefore, Monnes teaches the computer readable medium stored thereon programs for carrying out the claimed method steps.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.

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Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized flourish at the end.

Thuan N. Du
January 07, 2004